**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE V.RAMKUMAR**

**WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929**

**Bail Appl..No. 3016 of 2007**

**(CRIME NO. 545/2005 OF THE KUNDARA POLICE STATION)**

**.....**

**PETITIONER/ACCUSED:**

**CHERUPUSHPAM, W/O.SHAJI,**
**FATHIMA JUNCTION, COLONY VEEDU ALSO CALLED**
**USHA BHAVAN, AND SANTHOSH COTTAGE,**
**FATHIMA JUNCTION, PADAPPAKKARA,**
**PERAYAM CHERRY, MULAVANA VILLAGE, KOLLAM.**

**BY ADV. SRI.C.RAJENDRAN.**

**RESPONDENT/COMPLAINANT:**

**STATE OF KERALA, REPRESENTED BY**
**THE SUB INSPECTOR OF POLICE, KUNDARA POLICE**
**STATION THROUGH THE PUBLIC PROSECUTOR,**
**HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/05/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**V. RAMKUMAR, J.**

**B.A. No. 3016 OF 2007**

**Dated this the 23rd day of May, 2007**

**O R D E R**

Petitioner, who is the accused in Crime No.545/05 of Kundara Police Station for an offence punishable under Sec.55(a) of the Abkari Act, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P. No.126/05 on the file of the J.F.C.M.-I, Kollam, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is disposed of .

**(V. RAMKUMAR, JUDGE)**

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